

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: THE WOODLANDS PUD SUBDIVISION

Case Number: PLD2004-00081, PUD2004-00005, SEP2004-00144

Location: 9503 and 9401 NE 142nd Avenue, a portion of Tax Lot 67 (154224) and a portion of Tax Lot 130 (154287), in the NE ¼ of Section 2, Township 2 North, Range 2 East of the Willamette Meridian.

Request: The applicant is proposing to subdivide approximately 7.33 acres into 33 single-family residential lots in the R1-10 zoning districts using the planned unit development (PUD) standards.

Applicant: Pringrace, LLC
313 SE 199th Avenue
Camas, WA 98607

Contact Person: Olson Engineering
Attn.: Gayle Bennett
1111 Broadway
Vancouver, WA 98682
(360) 696-1385; E-mail: Gayle@olsonengr.com

Property Owner(s): Vera Woodruff
P. O. Box 820371
Vancouver, WA 98682

RECOMMENDATION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ Date Issued: November 24, 2004

Public Hearing Date: December 9, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
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Engineering Supervisor (Trans. Concurrency):	Steve Schulte, P. E.	4017	Steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Low Density Residential (UL)

Zoning: R1-10

Applicable Laws:

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division Ordinance), 40.520.080 (Planned Unit Development), 40.220.010 (Single-Family Residential Districts, R1-10), 40.610 (Impact Fees), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.500 (Process), RCW 58.17 (State Land Division Laws)

Neighborhood Association/Contact:

Sifton Neighborhood Association
Lamont Shaindlin, Vice President
7016 NE 140 Avenue
Vancouver, WA 98682

Time Limits:

The application was submitted and determined to be counter-complete on September 1, 2004. The application was determined to be fully complete on September 22, 2004 (see Exhibit No.9). Therefore, the county code requirement for issuing a decision within 92 days will lapse on December 23, 2004. The State requirement for issuing a decision within 120 calendar days will lapse on January 19, 2005.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 13, 2004. The pre-application was determined to be contingently vested as of April 20, 2004.

The fully complete application was submitted on September 1, 2004, and determined to be fully complete on September 22, 2004. Given these facts the application is vested on April 20, 2004. There are no disputes regarding vesting in this matter.

Public Notice:

Notice of application and public hearing was mailed to the applicant, property owners within 300 feet of the site and Sifton Neighborhood Association, on September 30, 2004 (see Exhibit No. 10). One sign was posted on the subject property and two within the vicinity on November 24, 2004. Notice of the SEPA Determination and public hearing was published in "The Columbian" newspaper on November 24, 2004.

Public Comments:

The county did not receive any correspondence from the public regarding this application.

Project Overview

The applicant is requesting a preliminary plat approval to subdivide approximately 7.33 acres into 33 single-family residential lots in the R1-10 zoning district using the planned unit development standards (PUD), CCC 40.520.080. The R1-10 Zoning District permits the development of a single-family dwelling as an outright permitted use. The code provides for a minimum density of 2.9 dwellings units and a maximum density of 4.4 dwellings units per acre (see Table 40.220.010-2, Lot Requirements).

A planned unit development (PUD) is permitted in the R1-10 district, per Table 40.220.010-1 (1) (I), subject to the provisions of CCC 40.520.080. (See Land Use Finding 5 for additional information) Table 1 shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential (UL)	Single-family Residential District R1-10	The site is flat and heavily forested with second growth merchantable trees, blackberry bushes, and grass. (The applicant needs to check with the county's forester, Jim Vandling, to ensure that felling the trees for housing development would not require Class IV G Forest Practices Permit.) There is an existing single-family dwelling, a garage, and 2 storage buildings that will be removed. During site visit, staff observed that a second single-family dwelling may have been removed from the site.
North	UL	R1-10	Acreage home sites and Shady Fir Estates, a residential subdivision.
East	UL	R1-10	NE 144 th Court (Private) and acreage home sites (SP 2-273 and SP 2-274).
South	UL	R1-10	NE 94 th Street, a residential housing development (Cinnamon Crest 310-294).
West	UL	R1-10	NE 142 nd Street and acreage home sites (Shalako Estate-2, H-777).

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Lauren loam (LeB) and Sifton gravelly loam (SvA) on slopes ranging from 0 to 8 percent. Maps from Clark County's GIS Mapping System do not indicate that the site contains any environmental constraints.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection Districts 5, Evergreen School District, Orchards Traffic Impact Fees District, and Parks Improvement District 5. The City of Vancouver provides public water and sewer services in the area.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |

7. Environmental Health
8. Land and Shoreline Use

15. Public Services
16. Utilities

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE - Zoning:

Planned Unit Development (CCC 40.520.080)

Approval Criteria

CCC 40.520.080 (E) establishes the standards and general requirements for a planned unit development (PUD) review, which include parcel size, environmental constraints, building height and open space including landscaping and maintenance arrangement. CCC 40.520.080 (F) stipulates that 5 specific findings must be made prior to a PUD approval in the county. Staff finds that the proposed PUD can comply with the applicable PUD standards and requirements, and the PUD approval criteria [per CCC 40.520.080 (E) (F)] because:

Approval criterion 1

The site is adequate in size and shape to accommodate the proposed use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to ensure that the proposed use is compatible with the neighborhood land uses

Finding 1

Staff finds that the development site comprises two tax lots of record totaling approximately 7.33 acres. The preliminary plat and landscaping plan (Exhibit 5, Sheet 1 of 3 and Sheet 2, respectively) indicate that the proposed development would be compatible with the neighborhood land uses. The landscaping proposed, would, when implemented, provide adequate screening to support this development.

The applicant is providing 2 open space areas (Tracts "A" and "B") with this plat. Tract "A" has a 6 foot wide cedar chip pedestrian path that connects the proposed cul-de-sac on NE 95th Street to the sidewalk on NE 144th Court. The applicant proposes to provide bollard lights and a park bench in addition to the trail.

Tract "B" is a bow-shaped open space area that would provide stormwater facilities and trails for the residents. The applicant is also providing park benches, bollard lights and a picnic table. The open spaces (Tracts "A" and "B") shall be owned and maintained by the home owners' association of The Woodland PUD Subdivision. The applicant shall

establish a covenant, conditions, and restrictions (CC & R's) stating this. (See condition of approval A-1)

Finding 2

The preliminary plat (Exhibit 5, Sheet 1 of 3) and the narrative (Exhibit 6, tab 4) show that the applicant is proposing the following lot and set back dimensions for this development:

1. Minimum lot area --- 5,500 square feet
2. Minimum lot width --- 50 feet
3. Minimum lot depth --- 90 feet
4. Front yard setback for the house --- 10 feet
5. Front yard set back for the garage --- 18 feet
6. Street side yard --- 5 feet
7. Interior side yard --- 4 feet
8. Rear yard set back --- 5 feet
9. Maximum building height --- 35 feet. (See condition of approval D-1)

Staff finds that to ensure traffic and pedestrian safety, the street side yard for Lot 1, Lot 16, Lot 17 and Lot 27 should be 10 feet and the interior side yard setback for all lots should be 5 feet, or as may be approved by the Fire Marshal or a designee, consistent with the International Building and Fire Codes as adopted by Clark County. (See condition of approval D-2)

Finding 3

The applicant shall provide perimeter landscaping plan (see Exhibit 5, Sheet 2) to further the comprehensive plan policy to ensure aesthetics and compatible land uses in the neighborhood. (See conditions of approval A-2 and C-1)

Approval criterion 2

The site relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. Adequate public utilities are available to serve the proposal.

Finding 4

Staff finds that the development will not have any potential adverse impacts in the neighborhood because the applicant has proposed public street connections. The applicant proposes to dedicate the right-of-way and construct NE 95th Street that terminates with a cul-de-sac bulb. The applicant also proposes to provide half-width road dedication and improvements on NE 142nd Avenue, NE 144 Court and NE 94th Street along the site's frontage. This finding does not require a condition of approval.

Approval criterion 3

The proposed use will have no significant adverse effect on abutting property or permitted use thereof.

Finding 5

Staff finds that the proposed use will have no significant adverse effect on abutting property or permitted uses in the area. The applicant is proposing single-family housing

on lots ranging in area from 5,500 square feet for the smallest lots to 7,827 square feet for the largest lots. These lots are substantially smaller in area than the minimum lot area that would otherwise be permitted in the R1-10 district. But the PUD section of the applicable county ordinance provides flexible plat design and lot area configuration in a planned unit development. The proposed housing development will be similar to those already existing in the area, because the abutting properties to the north, east, south and west are zoned R1-10 with single-family residential developments on lots also of various sizes.

The proposed density could comply with the density guidelines in Table 40.220.010-2. Table 2 shows that of the approximately 7.33 acres, approximately .94 acres will be dedicated as right-of-way for public road improvement. The table also shows that the net developable land is approximately 6.39 acres, which could be divided into a maximum of 28 lots or a minimum of 18 lots; but the applicant is proposing 33 lots in this PUD.¹

Table 2: ROW and Density

Zone	Gross acres	ROW in acres	Net acres	Gross density	Net density	Proposed density
R1-10	7.33	.94	6.39	32 - 21	28 - 18	33

Staff finds that the proposed density exceeds by 5 lots (or approximately 17.87 percent), the maximum density that can be approved on this project site, based upon the net developable acreage. Staff finds that in addition to providing a meandering trail, which if stretched linearly could be approximately one mile long, the applicant is also providing an exercise room and lap pool the residents of the planned unit development. Other amenities provided with this development include park benches, a picnic table, and bollard lighting along the trail. Staff finds further that the open space provided in this development is adequate for the residents of "The Woodlands" to enjoy substantial active and/or passive recreation activities while providing some habitat for native birds and small animals. Therefore, staff finds that these facilities and potential benefits identified in this report, justify the 17 percent density increase requested by the applicant.

Staff finds that the proposed landscaping plan, when implemented, will enhance the aesthetic qualities of the development. The applicant is providing lots of various sizes to ensure the construction of a variety of housing stock and housing choices to consumers in a range of income brackets, thereby furthering the policies of the comprehensive plan. This finding does not require a condition of approval.

Approval criterion 4

The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in the

¹ Density is based on the number of lots per the gross acreage minus land dedicated for public right-of-way.

neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development.

Finding 6

Staff finds that the applicant will make the necessary improvements needed to connect the proposed development to public water and sewer systems to mitigate any potential public health impacts. The utility reviews from the City of Vancouver indicate that adequate capacities exist in the area to connect this development to public water and sewer services. The open space, exercise room and lap pool, and trails will provide some recreation opportunities in the area, and mitigate potential negative impacts to the public and persons residing or working in the neighborhood. This finding does not require a condition of approval.

Approval criterion 5

The applicant has proposed unique or innovative design concepts to further specific policies of the comprehensive plan.

Finding 7

The design of this plat provides small lots with some innovative design features. The landscaping plan shows that much of the vegetation will either be retained or replanted prior to occupancy. The proposed amenities proposed by the applicant will create a livable community – a community that provides opportunity for outdoors and indoors recreation. Staff finds that the development complies with the comprehensive plan policy regarding recreation opportunities in the county.

Special Uses – Forest Practices:

Finding 8

Pursuant to CCC 40.260.080(A) (2) (d) (1)

Class IV general, as defined by WAC 222-16-050(2) in effect on March 20, 2000, are those forest practices occurring on lands within UGAs; lands platted after January 1, 1960, or on lands which are being converted to a use other than commercial timber production.

Finding 9

The proposed land division involves a commercial timber harvest which therefore is defined as a Class IV general forest practice.

Finding 10

The applicant has not applied for a Class IV general forest practice permit or addressed the timber harvest in the preliminary submittal or SEPA checklist.

(See Condition A-4)

CRITICAL AREAS:

Clark County's GIS Mapping System does not indicate any sensitive areas on this site.

TRANSPORTATION CONCURRENCY:

The applicant's traffic study has estimated the weekday AM peak hour trip generation at 24 new trips, while the PM peak hour trip generation is estimated at 31 trips. The following paragraphs document two transportation issues for the proposed development.

Issue #1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site Access

Finding 1

Level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network. The access to NE 142nd Avenue appears to maintain acceptable LOS.

Operating LOS on Corridors

Finding 2

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-5)

Operating LOS at Intersections of Regional Significance

Finding 3

The proposed development was subject to concurrency analysis at intersections of regional significance. The study reports acceptable operating levels for the following County intersections.

- NE 142nd Avenue/NE 99th Street

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Traffic Signal Warrants

Finding 4

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Turn Lane Warrants

Finding 5

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Historical Accident Situation

Finding 6

The applicant's traffic study analyzed the accident history at the regionally significant intersections. In two and one half year period the data covers one accident was reported at the intersections of NE 142nd Ave/NE 94th Street and NE 137th Avenue/Padden Parkway. The accident rate therefore exceeds the standard of 1.0 accident per million entering vehicles. This number is artificially high due to low average daily traffic (ADT) volumes. Staff has reviewed the area and the accident report and finds that there are no particular road hazards or improvements necessary. The historical accident rates at the remaining intersections are below 1.0 accident per million entering vehicles. Mitigation by the applicant is not required.

Traffic Controls during Construction

Finding 7

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See condition B-1)

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

TRANSPORTATION:

Circulation Plan

Finding 1

The provisions of Section CCC 40.350.030 (B)(2), require that the existing road system and the proposed extensions provide adequate cross circulation for serving the proposed subdivision and allow the subsequent developments in the vicinity to meet these standards.

The project site is located between NE 142nd Avenue and NE 144th Court, north of NE 94th Street and south of NE 99th Street. The applicant proposes to provide an on-site road to provide access to lots 1 through 16. Lots 17 through 33 will be accessed through NE 94th Street in the south and NE 144th Court to the east of the development site.

It appears that NE 144th Avenue is private road constructed in a public right of way. However, the road is needed for public circulations. This development is required to construct frontage improvement along NE 144th Court according to design criteria for local residential access roads.

The primary north south circulation will occur utilizing NE 142nd Avenue which is an Urban Collector road. NE 144th Court can also provide for north south circulation to the proposed development site. NE 99th Street and Padden Parkway, both arterial roads, provides for east west circulations.

The applicant has submitted a circulation plan to address the provisions of CCC 40.350.030 (B)(2). The plan shows block lengths exceeding the maximum 800 feet and a block perimeter slightly exceeding the 3,200 feet maximum length. However, staff has evaluated the existing road network in the vicinity of the development site and potential connectivity of the proposed on-site road with the existing roads. It appears that further extension of the proposed on-site road to the east or to the south is not feasible. Staff finds the proposed circulation plan acceptable.

Roads

Finding 2

The applicant proposes to construction frontage improvement along NE 142nd Avenue, NE 94th Street, and NE 144th Court.

NE 142nd Avenue, classified as “Urban Collector, C-2” road shall be constructed according to the following minimum requirements:

A minimum half-width right of way of 30 feet; a minimum half width pavement of 19 feet; curb & gutter; minimum sidewalk width of 6 feet. (See Standard Drawing # 12).

This applicant’s plans show dedication of 10 feet of right of way, 19 feet of half width pavement, 6 feet wide sidewalk, and 4 feet of planter strip.

Finding 3

The applicant proposes to complete frontage improvements along northern half of NE 94th Street. Frontage improvements along the southern half of the road have already been constructed. This development proposes to dedicate 11 feet of additional right of way, 3 feet of additional pavement, and 3.5 feet of landscaping.

Finding 4

The applicant proposes to construct half street improvements along west side of NE 144th Court. The existing pavement width along 144th Avenue does not meet the minimum requirements (20 feet) for a two way safe traffic. The applicant proposes to half street improvements as followings:

A minimum half-width right of way of 23 feet; a minimum half width pavement of 14 feet; curb & gutter; minimum sidewalk width of 5 feet. (See Standard Drawing # 14).

Construction of half street improvements along NE 144th Court will connect NE 99th Street and NE 94th Street, both of which are public roads.

Finding 5

The applicant proposes to construct an on-site road with a permanent cul-de-sac. The proposed road is approximately 370 feet long. The applicant proposes to construct a 28 foot paved road, with setback sidewalks on both sides. The proposed cul-de-sac bulb has a 35 foot inside radius and an outside radius of 40 feet. The proposed cul-de-sac shall have 5-foot attached thickened sidewalk with rolled curb & gutter, per Standard Plan F18b. (See Condition A-5)

Finding 6

The applicant's plans include proposed road cross sections for NE 94th Street, NE 95th Street, NE 144th Court and NE 142nd Avenue. The plans show 18 inch cement concrete curb & gutter for NE 142nd Avenue but 16 inch curb & gutter for the roads. All proposed roads shall have Type A-1 curb & gutter (18 inch Cement Concrete) per Drawing F18, Standard Details Manual of January 1, 2004. (See Condition A-6)

Access Management

Finding 7

The applicant has proposed to construct NE 95th Street, an on-site road with 28 feet of pavement, detached sidewalks on both sides, and 4 feet of planter strip. The road terminates with a permanent cul-de-sac. The proposed road will provide access to lots 1 through 16. The applicant has also proposed pedestrian connection (two off of cul-de-sac bulb) and one off of south side of the proposed road. The development proposes to provide access to remaining lots through local residential access roads, NE 94th Street and NE 144th Court. The plans propose a shared driveway access (23 feet wide) to lots 9 & 10. The applicant shall dedicate a minimum of 20 foot of easement for the proposed shared driveway. (see Condition A-7).

According to CCC40.350.030 (4) (b), corner lot driveways shall be a minimum of fifty (50) feet from the intersecting property lines or in the case where this is impractical, the driveway may be located five (5) feet from the property line away from the intersection or as a joint use driveway at this property line.

Intersection Design

Finding 8

Private and public roads shall be laid out so as to intersect at an angle as near to a right angle as practicable and not less than sixty (60) degrees for access roads. For minimum intersecting spacing refer to Tables 40.350-2 through Table 40.350.030-6. The applicant's proposed on-site road, NE 95th Street, is located approximately 323 feet from NE 95th Street which meets the minimum full access intersection spacing (275 feet) requirements for an urban collector road.

Sight Distance

Finding 9

In accordance with CCC40.350.030 (B) (8), uncontrolled intersections shall have an unobstructed sight distance triangle of one hundred feet on both approaches. This requirement may be reduced to eighty feet for intersections abutting corner lots in urban residential subdivisions. Landscaping or fencing within sight distance triangle shall not interfere with sight distance requirements. With a posted speed of 35 miles per hour along NE 142nd Avenue, a minimum of 350 feet of sight distance in both approaches is required.

Pedestrian/Bicycle Circulation

Finding 10

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required in accordance with Section CCC 40.350.010 (A)-(C). The preliminary development plans show sidewalks along NE 142nd Avenue, NE 94th Street, NE 144th Court, and both sides of NE 95th Street. The proposed sidewalks will provide connections to existing sidewalks to the north of NE 144th Court and sidewalks along NE 99th Street. The applicant also proposes pedestrian paths within the proposed development site to provide access to existing sidewalks/roads and proposed open spaces within the subdivision. Staff finds the proposed plan feasible and adequate.

Road Modifications

There are no road modifications associated with this proposal.

Conclusions -Transportation Plan

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions A-5 through A-7, meets the requirements of the county transportation ordinance.

STORMWATER and Erosion Control:

Finding 1

Stormwater and Erosion Control Ordinance CCC 40.380 adopted July 28, 2000, apply to development activities that results in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030.

The proposed development will create more than 2,000 square feet (roofs, driveways, streets, and sidewalks). Approximately 2.72 acres of new impervious surface areas will be created when the development is completed.

The erosion control ordinance is intended to minimize the potential for erosion and an erosion control plan is required for all projects meeting the applicability criteria listed in CCC 40.380.020. This project is subject to the erosion control ordinance.

Stormwater Proposal:

Finding 2

The proposed site is bounded on the north by Shady Fir Estates and single family residence, on the west by NE 142nd Avenue, on the east by NE 144th Court, and on the south by NE 94th Street. The applicant has stated that no off-site runoff enters the proposed development site from the north. The site slopes gently from the northeast to southwest and falls by a few feet.

The applicant proposes a stormwater system consisting of bio-filtration swales, detention / infiltration basins, and two (2) twelve (12) inch perforated pipes to achieve additional infiltrations. The proposed storm facilities are located in the middle of the site within proposed Tract B. The facility consists of West and East bio-filtration & pond systems. The West portion of the stormwater system will treat and detain/infiltrate stormwater runoff from westerly half of the proposed development and the East portion will treat and detain/infiltrate the runoff from easterly half of the subdivision. The applicant proposes a 3:1 side slopes for detention ponds except for the areas where maintenance access is located, with a 5:1 side slopes. The two proposed bio-filtration swales are 120 feet long with 8 to 10 feet of bottom width.

In accordance with Section 40.380 of the Stormwater & Erosion Control Ordinance infiltration of 100 year storm event is the proposed method for stormwater disposal from the developed site. The applicant proposes to achieve stormwater quantity control through storage provided in two detention ponds associated perforated pipe system.

The applicant proposes to collect, convey and treat stormwater runoff from all impervious areas within the subdivision through the proposed on-site stormwater facilities, with the exception of the driveways of lots 17 thru 22 which will drain to NE 94th Street and then to an existing storm system. The applicant has stated that at this stage roof runoff is directed to stormwater facilities. However, individual downspout systems may be utilized for final design. The applicant has estimated the driveways of these lots to be approximately 3,000 square feet. These driveways are considered to be pollution generating surfaces requiring water quality treatment. The applicant shall provide for quantity control and treatment of the runoff from driveways of lots 17 through 22, before draining to NE 94th Street and then to the existing storm system. (See Condition A-8).

The applicant proposes Bio-filtration Swales to provide for water quality treatment. Section 40.380.040 (B) (4) (b) of the Clark County Stormwater Ordinance includes bio-filtration swales as acceptable BMPs for water quality treatment. Two (2) bio-filtration swales are proposed to treat the stormwater runoff generated within the development site (except driveways of lots 17 thru 22). Page 20 of the application materials indicate that the proposed bio-swales will provide for approximately 9.3 minutes of residence time which meets the design criteria for bio-filtration swale facilities. The proposed stormwater facilities will be privately owned and maintained by a Homeowner's Association.

Site Conditions and Stormwater Issues

Finding 3

The site generally consists of trees, open field and grass. The site slopes gently from northeast to the southwest corner of the subject parcel. The existing buildings will be removed.

The Soil Survey of Clark County by the NRCS identifies the soil on –site as Sifton gravelly loam, SvA and Lauren gravelly loam, LeB. The on-site soils are classified as hydrologic soil group “B”. The applicant’s submitted materials include results of infiltration testing which was performed on-site by Geocon Northwest, Inc., on May 10, 2004. Soil tests were conducted in the north portion of the site within Tract A, and within the West and East portions of Tract B. The infiltration testing consisted of four (4) exploratory trenches (T1, T2, T3, T4) excavated to depths of 10 to 13 feet below the ground surface. The applicant’s proposed stormwater facilities are based on an infiltration zone between elevations of approximately 270 to 271 feet. This is generally 7 to 8 feet below the existing grades in the vicinity of proposed pond/infiltration basins. The soil tests found clayey silt layers at depths varying between 5 feet at T2 and 9 feet at T4. Also, perched groundwater was encountered in trench T1 at depth of 7 feet. The geotechnical investigation reported soil infiltration rates of 60 to 120 inches per in the infiltration zone (T1 and T3 located in Tract B). In accordance with CCC40.380.040 (C) (3) (b), design infiltration rates will be one half of the measured infiltration rates. The applicant proposes design infiltration rates of 30 inches per hour for the West Facility. A design infiltration rate of 60 inches per hour is proposed for the East Facility. The applicant’s proposed stormwater systems is based on infiltration through a limited depth (270 to 271 feet), considered as an infiltration zone. And it appears that soil types within the proposed development sites vary even within a relatively short distance. Staff finds the information of the soil tests to be insufficient, especially in the vicinity of the proposed West Facility and because of the presence of perched groundwater encountered at 7 feet depth and physical characteristics of clay layer at 5 feet depth, to support feasibility and adequacy of the proposed infiltration system. The applicant shall conduct further soil tests to verify physical characteristics of the on-site soils in the vicinity of the proposed stormwater pond / infiltration basins, and confirm whether the proposed facilities locations and design infiltration rates are feasible. (See Condition A-9)

During the construction of the stormwater facility, the infiltration rate used in the preliminary stormwater analysis shall be verified for all locations where infiltration into the ground is proposed. (See Condition A-10)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County’s stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to condition(s) A-8 through A-10, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Marshal Review

Fire Protection Finding 1:

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, ext. 4095 or ext. 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Fire Protection Finding 2:

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Condition A-11).

Fire Flow

Fire Protection Finding 3:

Fire flow in the amount of 1,000 gallons per minute at 20 pounds per minute (psi) supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Condition A-12).

Fire Marshal Review

Fire Protection Finding 4:

Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see Condition A-13).

Fire Marshal Review

Fire Protection Finding 5

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Fire District 6 at (360) 576-1195 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Conditions A-14).

Fire Apparatus Access

Fire Protection Finding 6:

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Condition C-2).

Fire Apparatus Turnarounds

Fire Protection Finding 7:

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

WATER & SEWER SERVICE:

Finding 1

The Clark Public Utilities provides potable water and Hazel Dell Sewer District provides public sewer services in the area. Letters from both utility districts confirm that the services are available to serve this development.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition of approval E-5).

Finding 3

Advisory only: The existing wells and/or septic systems shall be abandoned. Submittal of an acceptable "Health Department Final Approval Letter" to the county is required at the time specified in the evaluation letter. (See condition of approval E-5).

Finding 4

Advisory only: If underground storage tanks exist on the property, they must be identified and decommissioned consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See condition of approval A-15)

IMPACT FEES:

Finding 1

The site is located in Park Impact Fee (PIF) District 5, Evergreen School District Impact Fee (SIF), and Orchards Traffic Impact Fee (TIF) district.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, park, school, except for Lot 1 that is waived, traffic impact fees for each of the proposed 32 new single-family dwellings in this subdivision are:

1. \$,799.00 PIF (made up of \$1,359.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 5;
2. \$3,540.00 SIF per new single-family dwelling in Evergreen School District; and,
3. \$1,342.19 TIF per new single-family dwelling in Orchards Traffic Impact Fee District.

“The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules.” (See condition of approval B-2)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period

Publication date of this DNS is November 24, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends December 8, 2004.

Public Comment Deadline:

December 8, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385.
Krys Ochia, (360) 397-2375, ext. 4834.

Responsible Official: Michael V. Butts

Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibits 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 12.05A.770(10) & (11) and 13.029.370.

Land Use – Zoning

- A-1** The applicant shall establish covenants, conditions and restrictions (CC & R's) to be approved by the county's prosecuting attorney creating a home owner's association for the purposes of maintaining the open spaces, trails, exercise room, and lap pool. (See Land Use Finding 1)
- A-2** The applicant shall provide a building envelope indicating the location of the building on each lot. (See Land Use Finding 3)
- A-3** Prior to commencing clearing and/or a timber harvest on the parcel(s) subject of this proposed land division, the applicant shall secure an approved Class IV general forest practice permit. (See Land Use Finding 10)

Concurrency

- A-4** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,000. The reimbursement shall be made prior to final plat approval. (See Transportation Concurrency Finding # 2)

Transportation

- A-5** The proposed cul-de-sac shall have 5-foot attached thickened sidewalk with rolled curb & gutter, per Standard Plan F18b. (See *Transportation Finding #5*)
- A-6** All proposed roads shall have Type A-1 curb & gutter (18 inch Cement Concrete) per Drawing F18, Standard Details Manual of January 1, 2004. (See Transportation Finding #6)
- A-7** The applicant shall dedicate a minimum of 20 foot of easement for the proposed shared driveway. (See Transportation Finding #7)

Stormwater and Erosion Control

- A-8** The applicant shall provide for quantity control and treatment of the runoff from driveways of lots 17 through 22, before draining to NE 94th Street and then to the existing storm system. (See Stormwater Finding #2)
- A-9** The applicant shall conduct further soil tests to verify physical characteristics of the on-site soils in the vicinity of the proposed stormwater pond / infiltration basins, and confirm whether the proposed facilities locations and design infiltration rates are feasible. (See Stormwater Finding #3)
- A-10** During the construction of the stormwater facility, the infiltration rate used in the preliminary stormwater analysis shall be verified for all locations where infiltration into the ground is proposed. (See Stormwater Finding #3)

Fire Protection:

- A-11** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- A-12** Fire flow in the amount of 1,000 gallons per minute at 20 pounds per square inch (psi) supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).
- A-13** Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see Fire Protection Finding 4).
- A-14** Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at (360) 696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Fire Protection Finding 5).

Water & Sewer Services - Other Health Concerns

- A-15** Advisory only: If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See Water & Sewer Services Finding 4)

B. Conditions that must be met prior to issuance of Building Permits

Concurrency

- B-1** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding # 7)

Impact Fees

- B-2** *The following note shall be placed on the final plat stating that:*

"In accordance with CCC 40.610, except for Lot 1 that is exempt, park, school, and traffic impact fees for each of the 32 new single-family dwellings in this subdivision are:

1. \$1,799.00 PIF (made up of \$1,359.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 5;
2. \$3,540.00 SIF per new single-family dwelling in Evergreen School District; and,
3. \$1,342.19 TIF per new single-family dwelling in Orchards Traffic Impact Fee District.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Impact Fees Finding 1)

C. Conditions that must be met prior to issuance of Occupancy Permits

Land Use – Zoning:

- C-1** The applicant shall implement perimeter landscaping and streetscape as shown on the proposed Landscape Plan for Woodlands PUD Subdivision, Sheet 2 attached to the Staff Report as Exhibit 5. (See Land Use Finding 1)

Fire Protection

- C-2** Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 5).
- C-3** Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See Fire Protection Finding 8)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 The following lot dimensions and building set backs shall apply

1. Minimum lot area --- 5,500 square feet
2. Minimum lot width --- 50 feet
3. Minimum lot depth --- 90 feet
4. Front yard setback for the house --- 10 feet
5. Front yard set back for the garage --- 18 feet
6. Street side yard --- 5 feet
7. Interior side yard --- 4 feet
8. Rear yard set back --- 5 feet
9. Maximum building height --- 35 feet. (See Land Use Finding 2)

D-2 To safeguard public safety, the street side yard for Lot 1, Lot 16, Lot 17 and Lot 27 should be 10 feet, and the interior side yard setback for all lots should be zero to 8 feet, or as may be approved by the Fire Marshal or a designee consistent with the International Fire and Building Codes as adopted by Clark County. (See Land Use Finding 2)

D-3 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-4 Mobile Homes:

"The placement of mobile homes is prohibited."

D-5 Impact Fees:

"In accordance with CCC 40.610, except for Lot 1 that is waived, Park, School, and Traffic Impact Fees for each of the 32 new dwellings in this subdivision are: \$1,799.00 (\$1,359.00 - Acquisition; \$440.00 - Development for Park District 5); \$3,450.00 (Evergreen School District); and \$1,342.19 (Orchards TIF district), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-6 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA

slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-7 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

D-8 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-9 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-10 Driveways:

"No direct access is allowed onto the following streets: NE 142nd Avenue."

D-11 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

D-12 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

D-13 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

D-14 Privately Owned Stormwater Facilities:

"The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: Homeowners Association."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- E-2** Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Final Construction Plan Review:

- E-3** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.
- E-4** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

Water Wells and Septic Systems:

- E-5** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, then the Evaluation Letter will specify when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to the Issuance of an Occupancy Permit).
- E-6 Pre-Construction Conference:**
Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-7 Erosion Control:**
Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- E-8 Erosion Control:**
For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-9 Erosion Control:**
Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-10 Erosion Control:**
Erosion control facilities shall not be removed without County approval.

E-11 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-12 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-13 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-14 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-15 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-16 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-17 Landscaping:

Prior to recording the final plat, the Applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

**HEARING EXAMINER DECISION
AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Zoning Map
- Copy of Proposed Preliminary Plan
- Copy of Preliminary Landscape Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>